REMARKS

In the Office Action of 4/13/2004, at page 11, the representation was made that "[c]laims 9-18 and 28-30 "would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims". The applicants complied with the requirement in the Amendment submitted 7/13/2004 by amending original claims 1 and 20 to conform to claims 9 and 28, respectively. These amendments were made in reliance on the representation of the USPTO that the claims would be allowed, and not because the applicants agreed in any way with the rejections in the Office Action of 4/13/2004. Surprisingly, in the Office Action dated 12/8/2004, the claims that were said to be "allowable if rewritten in independent form" were rejected over new art in spite of the representation. In failing to honor its representation and allow the claims, the USPTO has unfairly caused the applicants to suffer a hardship in the surrender of potential patent scope by the Amendment submitted 7/13/2004. Accordingly, the applicants request that the Office Action of 12/8/2004 be withdrawn and a Notice of Allowance be mailed forthwith.

In anticipation that the request above will be denied, the applicants have taken the following action.

Claims 11 and 20 are amended to correct manifest informalities in presentation and antecedent basis. These amendments do not change the scope of these claims and are not made to evade or distinguish over prior art. Accordingly, these amendments do not curtail the scope of equivalents to which these claims, and their dependent claims, are entitled. It is submitted that the amendments to claims 11 and 20 remove bases for objection to or rejection of these claims arising from matters of form and/or clarity.

With respect to the rejections of certain claims in the Office Action of 12/8/2004, the applicants offer the following observations.

Claims 1-7, 10-18, and 25-26

Claims 1-7, 10-18, and 25-26 are rejected for obviousness over various combinations of references that include US Patent 6,765,865 ("Raynor"). Raynor, was filed internationally on August 30, 2000 and therefore fails to qualify as prior art against this application under the version of 35 USC 102(e) in effect prior to November 29, 2000.

Claim 20

Claim 20 is rejected over US Patent 6,084,888 ("Watanabe") in view of US Patent 5,651,002 ("Van Seters"). This rejection fails to meet the requirements of *prima facie* obviousness. See MPEP 2143 et seq.

Watanabe's communication method and equipment operate in a single wireless communication system to form a transmission frame from a plurality of packets. The objective of Watanabe's method is to form a frame efficiently so as to reduce transmission power in a wireless network. The discovered solution is to assemble packets into a frame and to use the packet headers to form the frame header. Watanabe nowhere discusses or suggests that translating a multidimensional digital frame structure from the format of a first system to the format of a second system is a problem, a factor, or an unexpected result of the solution to the transmission power problem.

Van Seters' patent is directed to a device for translating packet header formats (or frame header formats; it is not clear which) between disparate packet-switched systems with a memory structure adapted to optimize the balance between memory speed and cost. The invention is a split memory architecture that separates a packet address portion from other packet portions, leaving a gap into which supplemental header information can be inserted.

Watanabe and Van Seters are directed to different problems. Watanabe constructs a frame from packets for transmission in a single communication system, while Van Seters adapts the header structure of a packet for inter-system communication. Neither reference contemplates, alludes to or suggests that frames constructed for transmission in a single wireless communication system must be translated for communication in another system.

No reasonable expectation of success is established with respect to the combination of Watanabe with Van Seters. In fact, whether the references can be combined at all is open to question. Watanabe is clear that frames are assembled from packets. See FIGS. 11 and 12 of Watanabe. Van Seters, however, conflates packets and frames. See Van Seters at col. 1, lines 15-20, and at FIG. 1 and col. 6, lines 25-44. Any attempt to deal with Watanabe's frames using Van Seters' packet format translation risks confusion as to precisely what information unit (packet or frame) is to be processed, and by what means.

Moreover, since Watanabe does not teach or suggest translation, the combination of Watanabe with Van Seters lacks any "overhead generator" that "includes an input to receive overhead bytes that have been translated from a first system to a second system" and any "overhead receiver" that "includes an output to provide the overhead bytes organized in the first system". Neither Watanabe nor Van Seters teaches or suggests "a translator having an input to accept the overhead bytes from the overhead receiver, an input to accept translation information, and an output connected to the overhead generator to supply overhead bytes translated from a first system to a second system". Where in FIG. 2 of Van Seters is there any element that "accepts translation information associated with a source node of the received frame and a destination node of the transmitted frame", that "compares a first overhead byte organization associated with the source node to a second overhead byte organization associated with the destination node", and that "translates overhead bytes in response to comparing the first and second overhead byte organizations"? If these limitations are considered to be obvious, the examiner should cite a reference or enter Official Notice in support of this conclusion.

Respectfully submitted,

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